

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 165 be amended to read as follows:

- 1 Page 1, delete lines 1 through 17.
- 2 Delete pages 2 through 9.
- 3 Page 10, delete lines 1 through 27.
- 4 Page 10, between lines 34 and 35, begin a new paragraph and insert:
- 5 **"Sec. 2. "ADM" has the meaning set forth in IC 21-3-1.6-1.1.**
- 6 **Sec. 3. "At-risk index" has the meaning set forth in**
- 7 **IC 21-3-1.8-1.1."**
- 8 Page 10, line 35, delete "2." and insert "4."
- 9 Page 10, line 37, delete "3." and insert "5."
- 10 Page 10, line 39, delete "4." and insert "6."
- 11 Page 11, delete lines 1 through 3.
- 12 Page 11, line 4, delete "6." and insert "7."
- 13 Page 11, line 6, delete "7." and insert "8."
- 14 Page 11, delete lines 8 through 10.
- 15 Page 11, line 15, delete "IC 20-8.1-1-3." and insert **"IC 20-1-1.8-8."**
- 16 Page 11, delete lines 20 through 21.
- 17 Page 11, line 22, delete "15." and insert **"14."**
- 18 Page 11, line 24, delete "16." and insert **"15."**
- 19 Page 11, line 26, delete "17." and insert **"16."**
- 20 Page 11, line 27, delete "For a charter school, a" and insert **"A"**.
- 21 Page 11, line 28, delete "For a charter school, the" and insert **"A**
- 22 **state educational institution (as defined in IC 20-12-0.5-1).**
- 23 **(3) The"**.
- 24 Page 11, delete lines 30 through 31, begin a new line block indented

- 1 and insert:
- 2 **"(4) The executive (as defined in IC 36-1-2-5) of a municipality**
- 3 **having a population of more than one hundred fifty thousand**
- 4 **(150,000) but less than five hundred thousand (500,000).**
- 5 **(5) The executive (as defined in IC 36-1-2-5) of a city having**
- 6 **a population of more than one hundred twenty thousand**
- 7 **(120,000) but less than one hundred fifty thousand (150,000)."**
- 8 Page 11, line 32, delete "18." and insert "17."
- 9 Page 12, line 18, delete "grant a charter only to an organizer that"
- 10 and insert **"not grant a charter to a for-profit organizer."**
- 11 Page 12, delete lines 19 through 36.
- 12 Page 12, line 37, delete "(a)".
- 13 Page 13, delete lines 31 through 36.
- 14 Page 13, line 38, delete ". The sponsor may issue charters for not
- 15 more" and insert **", a municipality having a population of more than**
- 16 **one hundred fifty thousand (150,000) but less than five hundred**
- 17 **thousand (500,000), or a city having a population of more than one**
- 18 **hundred twenty thousand (120,000) but less than one hundred fifty**
- 19 **thousand (150,000). Before issuing a charter, the sponsor must**
- 20 **receive the approval of a majority of the members of the legislative**
- 21 **body (as defined in IC 36-1-2-9) of the consolidated city,**
- 22 **municipality, or city for the establishment of a charter school. The**
- 23 **sponsor may issue charters for charter schools in any school**
- 24 **corporation that is located within the consolidated city,**
- 25 **municipality, or city."**
- 26 Page 13, delete lines 39 through 40.
- 27 Page 14, line 14, delete "comply with the following:" and insert
- 28 **"notify an organizer who submits a proposal under section 3 of this**
- 29 **chapter of:**
- 30 **(1) the acceptance of the proposal; or**
- 31 **(2) the rejection of the proposal;**
- 32 **not later than sixty (60) days after the organizer submits the**
- 33 **proposal."**
- 34 Page 14, delete lines 15 through 23.
- 35 Page 14, line 24, delete "(a) A sponsor must notify the department
- 36 of the" and insert **"If a sponsor rejects a charter school proposal, the**
- 37 **organizer may:**
- 38 **(1) amend the charter school proposal and resubmit the**
- 39 **proposal to the same sponsor; or**
- 40 **(2) submit a charter school proposal to another sponsor.**
- 41 **Sec. 10. A school that has qualified for a strategic and**
- 42 **continuous school improvement and achievement plan under**
- 43 **IC 20-1-1-6.3 may revise its qualification plan for submission**
- 44 **under this chapter as a charter school proposal."**
- 45 Page 14, delete lines 25 through 42.
- 46 Page 15, delete lines 1 through 33.

- 1 Page 16, line 1, delete "and" and insert ".".
- 2 Page 16, delete line 2.
- 3 Page 17, line 7, delete ":" and insert "**Indiana.**".
- 4 Page 17, delete lines 8 through 13.
- 5 Page 17, line 18, delete "and" and insert ",".
- 6 Page 17, line 18, after "(c)," insert "**and (d),**".
- 7 Page 17, delete lines 34 through 42, begin a new paragraph and
- 8 insert:
- 9 **"(d) This subsection applies to an existing school that converts**
- 10 **to a charter school under IC 20-5.5-11. During the school year in**
- 11 **which the existing school converts to a charter school, the charter**
- 12 **school may limit admissions to:**
- 13 **(1) those students who were enrolled in the charter school on**
- 14 **the date of the conversion; and**
- 15 **(2) siblings of students described in subdivision (1)."**
- 16 Page 18, delete lines 1 through 34.
- 17 Page 18, line 37, delete "." and insert "**or of an entity with which**
- 18 **the charter school has contracted to provide services, including**
- 19 **instructional services."**
- 20 Page 18, line 41, delete "(a) Certificated employees (as defined in
- 21 IC 20-7.5-1-2)" and insert "**Employees**".
- 22 Page 18, line 42, delete "that is not a conversion charter school".
- 23 Page 19, delete lines 2 through 5.
- 24 Page 19, line 6, delete "(a) This section applies to a conversion
- 25 charter school." and insert "**The following apply to teachers in a**
- 26 **charter school:**
- 27 **(1) A teacher must have a four (4) year college degree from an**
- 28 **accredited institution.**
- 29 **(2) At least seventy-five percent (75%) of the teachers in a**
- 30 **charter school must hold a license to teach in a public school.**
- 31 **(3) Not more than twenty-five percent (25%) of a charter**
- 32 **school's teaching staff may be individuals who:**
- 33 **(A) are not licensed to teach in a public school; and**
- 34 **(B) possess specific knowledge or skills that are critical to**
- 35 **the mission of the charter school.**
- 36 **(4) A charter school teacher described in subdivision (3) is**
- 37 **subject to:**
- 38 **(A) regular performance reviews; and**
- 39 **(B) professional development activities;**
- 40 **as determined and identified by the organizer."**
- 41 Page 19, delete lines 7 through 23.
- 42 Page 19, line 24, delete "7." and insert "**5.**".
- 43 Page 20, line 1, delete "8." and insert "**6.**".
- 44 Page 20, line 4, delete "9." and insert "**7.**".
- 45 Page 20, line 16, delete "10." and insert "**8.**".
- 46 Page 20, line 22, delete "or" and insert ".".

Page 20, delete line 23.

Page 20, line 39, delete "For purposes of computing:" and insert  
**"This section applies only to a student in a charter school that is  
 sponsored by a governing body. For purposes of computing a tax  
 levy, a distribution of tax revenues, a distribution from the state,  
 or a distribution from the federal government to a sponsor, a  
 student in a charter school shall be treated as a student of the  
 sponsor.**

**Sec. 3. (a) Not later than thirty (30) days after the sponsor  
 grants a charter or the date agreed to by the organizer, whichever  
 is later, the sponsor shall distribute to the organizer an amount  
 equal to the operating costs of the charter school for the initial six  
 (6) months of the school year in which the charter school will begin  
 operations, as determined by the budget and financial plans  
 submitted to the sponsor. The amount distributed under this  
 subsection shall be:**

- (1) treated as the working capital of the organizer; and**
  - (2) repaid to the sponsor in equal installments, without  
 interest, beginning six (6) months after the charter school  
 begins operations and ending:**
    - (A) three (3) years after the charter is granted;**
    - (B) on the date set by the sponsor; or**
    - (C) when the charter is revoked;**
- whichever is latest.**

**An installment payment to a sponsor may be deducted from  
 distributions made by the sponsor to the charter school under  
 subsection (b).**

**(b) This subsection does not apply to revenues and distributions  
 that, under a law or an agreement with the entity providing  
 funding, must be deposited in any of the following funds:**

- (1) Capital projects fund.**
- (2) Debt service fund.**

**A sponsor shall distribute to a charter school a distributive share  
 of tax revenues, state distributions, and federal distributions  
 received by the sponsor for noncapital expenditures. The schedule  
 under which distributions are made under this subsection shall be  
 established in the charter.**

**(c) For money received by a sponsor on the basis of a formula  
 that utilizes a student count, including:**

- (1) average daily attendance;**
- (2) average daily membership;**
- (3) average daily membership as adjusted by an at-risk index  
 or other factors;**
- (4) additional pupil count;**
- (5) eligible pupils; or**
- (6) number of special education preschool children;**

**the sponsor shall determine the distributive share of a charter**

1 school by calculating the amount of funding that would be  
 2 available under the formula if the student count of the charter  
 3 school rather than the total student count of the sponsor were used.

4 (d) This subsection does not apply to money received by a  
 5 sponsor to facilitate the sponsor's compliance with a desegregation  
 6 order issued by a court. For money:

7 (1) that is received by a sponsor for participation in a  
 8 program or delivery of services; and

9 (2) that is not reimbursed on the basis of a student count;

10 the sponsor shall reimburse the charter school for programs or  
 11 services provided using the program or service reimbursement rate  
 12 applicable to the program or services.

13 (e) The organizer shall provide the sponsor with the necessary  
 14 information for the sponsor to make distributions under this  
 15 section. The department may adopt guidelines for the  
 16 implementation of this section in order to assure equivalent  
 17 funding for students of charter schools and sponsors. If a charter  
 18 school is organized after the date set for the determination of a  
 19 student count used to make a distribution, the student count of the  
 20 charter school shall be determined under guidelines established by  
 21 the department.

22 Sec. 4. Not later than the date established by the department for  
 23 determining average daily membership under IC 21-3-1.6-1.1(d),  
 24 the organizer shall submit to the department the following  
 25 information to verify the accuracy of the information submitted:

26 (1) The number of students enrolled in the charter school.

27 (2) The name of each student and the school corporation in  
 28 which the student resides.

29 Sec. 5. (a) This subsection applies to a charter school that has a  
 30 sponsor that is a state educational institution. A state educational  
 31 institution that operates a charter school under this article without  
 32 an agreement with a school corporation or educational  
 33 organization shall receive the same amount of state financial  
 34 assistance that the largest school corporation in the county in  
 35 which the sponsor is located receives per pupil under IC 21-3,  
 36 except for transportation distributions under IC 21-3-3.1. A  
 37 student who attends full time a charter school to which this  
 38 subsection applies may not be counted in ADM or ADA by any  
 39 local school unit when the student's attendance is not regulated  
 40 under an agreement.

41 (b) This subsection applies to a charter school that has a sponsor  
 42 that is the executive of a consolidated city, a municipality having a  
 43 population of more than one hundred fifty thousand (150,000) but  
 44 less than five hundred thousand (500,000), or a city having a  
 45 population of more than one hundred twenty thousand (120,000)  
 46 but less than one hundred fifty thousand (150,000). The organizer  
 47 of a charter school to which this subsection applies is entitled to

1 receive transfer tuition under IC 20-8.1-6.1-8(b) for each student  
2 who attends the charter school.

3 **Sec. 6. (a) Services that a school corporation provides to a**  
4 **charter school, including transportation, may be provided at not**  
5 **more than one hundred three percent (103%) of the actual cost of**  
6 **the services.**

7 **(b) This subsection applies to a sponsor that is a state**  
8 **educational institution described in IC 20-5.5-1-15(2). A state**  
9 **educational institution shall receive from the organizer of a charter**  
10 **school sponsored by the state educational institution an**  
11 **administrative fee equal to not more than three percent (3%) of the**  
12 **total amount the organizer receives under section 3 of this**  
13 **chapter."**

14 Page 20, delete lines 40 through 42.

15 Delete page 21.

16 Page 22, delete lines 1 through 3.

17 Page 22, line 12, delete "The organizer must use the money".

18 Page 22, delete lines 13 through 17.

19 Page 22, line 30, delete "attending the charter school" and insert  
20 **"residing within the school corporation's geographic boundaries.**  
21 **However, a charter school may charge tuition for:**

22 **(A) a preschool program, unless charging tuition for the**  
23 **preschool program is barred under federal law; or**

24 **(B) a latch key program;**

25 **if the charter school provides those programs.**

26 **(3) Except for a foreign exchange student who is not a United**  
27 **States citizen, enroll a pupil who is not a resident of Indiana.**

28 **(4) Be located in a private residence.**

29 **(5) Provide home based instruction."**

30 Page 22, delete lines 31 through 42.

31 Page 23, delete lines 1 through 2.

32 Page 23, line 16, after "(3)" insert **"A rule or guideline adopted by**  
33 **the professional standards board established under IC 20-1-1.4-2,**  
34 **except for those rules that assist a teacher in gaining or renewing**  
35 **a standard or an advanced license.**

36 **(4)".**

37 Page 23, delete lines 26 through 27, begin a new line block indented  
38 and insert:

39 **"(5) IC 20-6.1-4-15 (voiding of teacher contracts when two (2)**  
40 **contracts are signed)."**

41 Page 23, delete lines 41 through 42, begin a new line block indented  
42 and insert:

43 **"(15) IC 20-10.1-2-4 and IC 20-10.1-2-6 (patriotic**  
44 **commemorative observances)."**

45 Page 24, delete lines 6 through 20.

46 Page 25, line 38, delete "sixty-seven percent (67%)" and insert

- 1       **"fifty-one percent (51%)".**
  - 2       Page 25, delete line 42, begin a new paragraph and insert:
  - 3       **"Sec. 2. If the conditions of section 1 of this chapter are met, the**
  - 4       **teachers and parents may appoint a committee to act as organizers**
  - 5       **for the charter school.**
  - 6       **Sec. 3. The organizers shall submit a proposal under IC 20-5.5-3**
  - 7       **to the governing body of the school corporation in which an**
  - 8       **existing elementary or secondary school is located to convert the**
  - 9       **existing school into a charter school.**
  - 10       **Sec. 4. Only the governing body of the school corporation in**
  - 11       **which an existing public elementary or secondary school that seeks**
  - 12       **conversion to a charter school is located may act as the sponsor of**
  - 13       **the conversion charter school.**
  - 14       **Sec. 5. An existing public school that is converted into a charter**
  - 15       **school remains subject to an existing collective bargaining**
  - 16       **agreement unless at least fifty-one percent (51%) of the certificated**
  - 17       **staff of the school vote to remove the school from the collective**
  - 18       **bargaining agreement."**
  - 19       Delete pages 26 through 28.
  - 20       Page 29, delete lines 1 through 16.
  - 21       Page 32, delete lines 7 through 33.
  - 22       Renumber all SECTIONS consecutively.
- (Reference is to ESB 165 as printed April 9, 2001.)

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Representative Behning